

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:24-CV-124-RJC-DCK**

MARCHA L. M. RODGERS,

Plaintiff,

v.

**NVR INC.-RYAN HOMES, KUESTER
MANAGEMENT GROUP, COSTNER LAW
OFFICE, PLLC, AND FLAGSTAR BANK,**

Defendants.

ORDER

THIS MATTER IS BEFORE THE COURT on “NVR, Inc.’s Rule 12(I) Motion For Pretrial Determination Of Motion To Dismiss” (Document No. 34) filed on November 12, 2024, and Defendant Kuester Management Group, LLC’s Motion For Extension Of Time To Respond To Plaintiff’s Motion For Summary Judgment” (Document No. 38) filed November 18, 2024. These motions have been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motions and the record, and in the interests of efficient case management and judicial economy, the undersigned will grant these motions.

First, Defendant NVR, Inc. requests that the Court issue “a pretrial determination of its Motions to Dismiss filed in this action.” (Document No. 34, p. 1) (citing Document No. 5). The undersigned notes that there has been no Initial Attorney’s Conference in this matter and that no Pretrial Order And Case Management Plan has issued; as such no trial date has been set. This matter was reassigned to the undersigned on May 23, 2024, and the Court is well aware of the pending motions in this case. Despite the delays in addressing the pending motions, the

undersigned is confident that the pending motions to dismiss will be decided before a trial is even scheduled.

Second, Defendant Kuester seeks to avoid the “significant burden” of filing a response to *pro se* Plaintiff’s “Motion For Summary Judgment” (Document No. 32) until after the Court has ruled on its motion to dismiss.

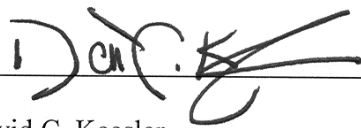
The undersigned is persuaded that these motions should be promptly granted.

IT IS, THEREFORE, ORDERED that “NVR, Inc.’s Rule 12(I) Motion For Pretrial Determination Of Motion To Dismiss” (Document No. 34) is **GRANTED**. The Court will decide the pending motions to dismiss (Document Nos. 5, 16, 18, and 28) before proceeding to a trial in this matter.

IT IS FURTHER ORDERED that “Defendant Kuester Management Group, LLC’s Motion For Extension Of Time To Respond To Plaintiff’s Motion For Summary Judgment” (Document No. 38) is **GRANTED**. Defendant Kuester Management Group, LLC shall file a response to Plaintiff’s “Motion For Summary Judgment” (Document No. 32) within fourteen (14) days of the Court’s ruling on “Defendant Kuester Management Group, LLC’s Motions To Dismiss Complaint Pursuant To Rules 12(B)(1), 12(B)(6) and 8” (Document No. 16).

SO ORDERED.

Signed: November 18, 2024



David C. Keesler
United States Magistrate Judge

